IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 12685 of 2005

Between:

1 Smt. K. Rajeshwaramma, S/o Vishwanatham,
R/o H.No. 1-2-88, Paripally Street,
Siddidpet town, Medak District.
2 S. Mohan Kumar, S/o Shankaraiah,
R/o H.No. 4-2-34, Patelpura, Siddipet Town,

Medak District.

..... PETITIONERS

AND

1 The District Collector, Medak District at Sangareddy.
2 The Commissioner, Municipal Council Siddipet,

Medak District.
3 The Executive Engineer, R & B Department, Siddipet.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ specially Writ of Mandamus declaring the action of the Respondents in seeking to demolish the premises bearing No. 5-2-31 of Petitioner No.1 and premises No. 1-2-17 of Petitioner No.2 situated at Main Road, Siddipet Town, Medak District, as illegal, arbitrary, without jurisdiction, violative of Art. 300-A of Constitution of India and also violative of Principles of natural justice and consequently hold that the Respondents are not entitled to demolish the same without due course of law, and pass such other or further orders as this Hon'ble Court may deems fit and proper.

Counsel for the Petitioner: MR.RAJ KUMAR RUDRA

Counsel for the Respondent Nos.1 and 3: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent No.2: MR P.RADHAKRISHNA

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking Writ of Mandamus, declaring the action of the respondents in trying to demolish the premises bearing No.5-2-31 of petitioner No.1 and premises bearing No.1-2-17 of petitioner No.2 situated at Main Road, Siddipet Town, Medak District, without initiation of proceedings under Land Acquisition Act and without following the due process of law, as illegal and arbitrary.

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the 2nd respondent/Municipality.

The learned counsel for the petitioner contended that the petitioner No.1 is the absolute owner of the premises bearing No.5-2-31 and the petitioner No.2 is the absolute owner of the premises bearing No.1-2-17, situated at Main Road, Siddipet Town, Medak District and they have not encroached any Government site. It is their further contention that without initiating land acquisition proceedings, and without issuing any notice, the respondents are trying to demolish their premises in the process of road widening.

On the other hand, the learned counsel for the 2nd respondent contended that on mere apprehension only, the petitioners filed this writ petition, and the respondents have not been taken any steps for demolition of premises of the petitioners.

The Division Bench of this Court in ***P.Lakshmana Rao v. Executive Officer*** issued certain guidelines to be followed by the authorities in acquiring the properties of public for the purpose of widening roads. When a property is required for public purpose viz., for widening of roads or for any other purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the

occupants and after considering the said objections or explanations, the authorities shall pass appropriate orders, if necessary.

Following the guidelines issued by this Court in the above referred judgment, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to take any steps for demolition of premises of the petitioners without following due procedure, without initiating land acquisition proceedings and without making any negotiations with the petitioners.

The Writ Petition is, accordingly, disposed of. No order as to costs.

Dated: 15.06.2005

Dsr

ASSISTANT REGISTRAR

Note:

Issue wire at party's costs

B/o

Dsr

To:

1. The District Collector,

Medak District at Sangareddy

2. The Commissioner,

Municipal Council, Siddipet,

Medak District

3. The Executive Engineer,

R & B Department, Siddipet

4. Two CCs to the Government Pleader for

Municipal Administration and Rural Development,

High Court Buildings, Hyderabad (OUT)

5. Two CD copies

6. 1 CC to MR.POLISETTI RADHAKRISHNA (SC FOR MPL)